

COUNCIL MINUTES
TIGARD CITY COUNCIL MEETING
January 13, 2004

Meeting was called to order at 6:30 p.m. by Mayor Pro Tem Dirksen.

Council Present: Mayor Pro Tem Dirksen, Councilors Moore, Sherwood and Wilson.

- STUDY SESSION

- > New Library Coffee Bar Option Discussion

City Manager Monahan opened this discussion noting that the Council had agreed to pursue a coffee bar to be located in the new library facility.

Library Director Barnes and Project Manager Bahlman advised Council that construction of the coffee bar would cost \$93,639. Earlier estimates were about \$60,000. The increased amounts were due primarily to higher costs than anticipated for mechanical/plumbing work at +\$9,000 from the original estimate; +\$9,000 for electrical; and +\$15,000 for equipment. The overall new library construction budget is well under budget. Savings in the budget can be used only for construction items or furniture (i.e., cannot be used to buy books). Mr. Bahlman noted that \$400,000 was set aside for change orders; to date, no money has been charged for change orders.

Council discussed the issues around the matter of a coffee bar and weighed the pros and cons for providing such an amenity against the higher-than-expected costs. A coffee bar was an option asked for regularly by citizens during the community discussions about a potential new library. A vendor has not been found to run the coffee bar; however, there has been some interest in bidding for operating the facility if the City would provide the required plumbing, electrical and other infrastructure.

While a vendor will be sought to lease the space to run the coffee bar, Mr. Bahlman said this should be thought of as an amenity rather than a venture that would provide a financial return. Mr. Bahlman advised because of the timing of construction for the rest of the facility, a decision was needed now whether the Council wanted to proceed with the coffee bar.

After discussion, Councilors Moore, Dirksen, and Wilson agreed to proceed with the coffee bar as part of the "whole package" requested by citizens and requested staff move quickly to find a vendor. Councilor Sherwood said that she would rather see the money spent on providing outside amenities to the

library or for additional Internet stations and did not support proceeding with the infrastructure needed for the coffee bar.

Staff reviewed the methods to be used to solicit bids for vendors. City Manager Monahan said staff would keep Council apprised on the vendor selection process.

> Bull Mountain Annexation Plan Discussion about Formation of Subcommittees

Community Development Director Hendryx received direction from Council members that they would like to continue to schedule Coffee Talks as long as there are people interested in hosting.

Mr. Hendryx reviewed his January 13 memorandum regarding the Bull Mountain Subcommittees. A copy of this memo is on file with the City Recorder. He advised it was important to distinguish between the White Papers that will be prepared by the Subcommittees and the Bull Mountain Annexation Plan. The White Papers will become appendices to the Annexation Plan.

Council discussed how to proceed with establishing the Subcommittees. Council agreed to proceed with the Subcommittees as outlined in Mr. Hendryx's memo as a starting point. Staff will contact Washington County, CPO4b, and Tigard residents to solicit interest in serving on the Subcommittees.

> ADMINISTRATIVE ITEMS

City Manager Monahan reviewed the following with Council:

- Wording requested by staff on the motion for Council, acting as the Local Contract Review Board (LCRB), to consider on Agenda Item No. 7. This item is for the LCRB to consider granting an exemption from competitive bidding under LCRB Administrative Rule 80.015 for the acquisition of shelving and related furniture and fixtures for the new library.
- The Capital Improvement Program meeting was rescheduled from January 8 to January 14, 6:30-8 p.m., Town Hall.

Additional Administrative Items were reviewed after the Business Meeting. Study Session recessed at 7:27.

- EXECUTIVE SESSION: Not held

1. BUSINESS MEETING

- 1.1 Mayor Pro Tem Dirksen called the Council and Local Contract Review Board Meeting to order at 7:34 p.m.
- 1.2 Roll Call: Mayor Pro Tem Dirksen, Councilors Moore, Sherwood, and Wilson
- 1.3 Pledge of Allegiance
- 1.4 Council Communications & Liaison Reports: None
- 1.5 Call to Council and Staff for Non-Agenda Items

- City Manager Monahan announced that the Capital Improvement Program meeting was rescheduled from January 8 to January 14, 6:30-8 p.m., Town Hall.

2. DISCUSSION AND CONSIDERATION OF APPOINTMENT OF MAYOR PRO TEM DIRKSEN TO THE POSITION OF MAYOR FOR ONE YEAR; DISCUSSION OF PROCESS TO FILL A POTENTIAL COUNCIL VACANCY; ELECTION OF A COUNCIL PRESIDENT; AND ADMINISTRATION OF THE OATH OF OFFICE FOR THE POSITION OF MAYOR TO MAYOR PRO TEM DIRKSEN

- a. Staff Report: City Manager Monahan introduced this item noting the Council had asked Council President Craig Dirksen to consider filling the position of Mayor for one year (until December 31, 2004). Council President Dirksen notified the Council members and City staff that he would serve as Mayor this year as requested.
- b. Council Discussion: Councilors Moore, Wilson, Sherwood expressed their appreciation that Councilor Dirksen agreed to "step up" and assist Council by serving as Mayor for the next year.

City Manager Monahan advised that there are three years remaining in the term that would have been served by Mayor Jim Griffith. An election will be held in November 2004 to elect a Mayor to serve the final two years of Mayor Griffith's term.

c. Council Consideration:

- Motion by Councilor Moore, seconded by Councilor Sherwood, to adopt Resolution No. 04-01.

RESOLUTION NO. 04-01- A RESOLUTION APPOINTING CRAIG E. DIRKSEN AS MAYOR OF THE CITY OF TIGARD TO SERVE FROM JANUARY 13, 2004 UNTIL DECEMBER 31, 2004, AND CALLING FOR AN ELECTION ON NOVEMBER 2, 2004, FOR THE ELECTION OF A

CANDIDATE TO THE OFFICE OF MAYOR TO COMPLETE MAYOR GRIFFITH'S TERM OF OFFICE FROM JANUARY 2005 THROUGH DECEMBER 2006

The motion was approved by a unanimous vote of Council present:

Mayor Pro Tem Dirksen	-	Yes
Councilor Moore	-	Yes
Councilor Sherwood	-	Yes
Councilor Wilson	-	Yes

- Mayor Craig Dirksen was administered the Oath of Office by Municipal Court Judge Michael O'Brien.
- Mayor Dirksen spoke for a few minutes noting that he was accepting the appointment as Mayor with mixed feelings. He said he was saddened by the death of his friend, Jim Griffith and misses Mayor Griffith's leadership and insight. He said he was grateful to his fellow councilors for the trust and confidence shown to him by the honor of appointment as Mayor and promised to do his best to live up to that trust. Mayor Dirksen spoke about the challenges and opportunities facing the City in the New Year. A copy of Mayor Dirksen's remarks is on file with the City Recorder.
- Discuss Process to Fill Council Vacancy until December 31, 2004. Council discussed and decided on a process during a study session held after the business meeting; a summary of this discussion is as follows: After discussion, Council decided on the following process:
 - Persons interested in being considered for appointment to the position of City Councilor must complete the Citizen Interest Application and answer the three questions listed below.
 - Completed applications must be submitted by noon on February 6, 2004.
 - Persons interested in being considered for appointment must give information on how they can be contacted on February 11, 2004, 8 a.m. - 5 p.m., should they be selected as a candidate to be interviewed for the vacant Council position.
 - Persons interested in being considered for appointment must be available the evening of February 12, 2004, for an interview with

the Tigard Council, should they be selected as a candidate for the vacant Council position.

- The tentative schedule is for appointment and swearing in of the successful Council candidate on either February 24 or March 9, 2004.

The three questions for potential Council candidates to answer are as follows:

1. Why do you want to take on this appointment?
2. What qualities would you bring to Council?
3. What would you like to see accomplished by the City Council during your tenure?

Council placed a 200 word limit on the answer to each of the questions.

- Vote (cast ballots) to elect a Council President until December 31, 2004 – Council members selected Councilor Nick Wilson to serve as Council President. Copies of the ballots cast are on file with the City Recorder.

3. PRESENTATION OF BUDGET AWARDS

- City Manager presented the following awards to Finance Director Prosser:
 - a) Distinguished Budget Presentation Award for Fiscal Year Beginning July 1, 2003
 - b) Certificate of Achievement for Excellence in Financial Reporting for the Fiscal Year Ended June 30, 2002

4. VISITOR'S AGENDA

- Tigard High School Student Envoy Angela Jensen presented an update (Agenda Item No.4, Exhibit 1) on activities at Tigard High School.
- Tigard Area Chamber of Commerce President Dan Murphy announced upcoming events at the Chamber of Commerce.
- John Frewing, 7110 SW Lola Lane, Tigard, OR 97223 presented testimony regarding concerns over recent new regarding the City's actions and commitment to punch through Wall Street from Hall Boulevard to Hunziker. He requested clarification of the City's position as to when its continuing expenditures of funds on the unnecessary and environmentally challenged project will end. Mr. Frewing's written comments are on file with the City Recorder (Agenda Item No. 4, Exhibit 2). City Attorney Ramis responded to a portion of Mr. Frewing's comments wherein the words "reasonably cooperate" have legal meaning, which is why the City has proceeded as it has with regard to the process to date for the potential Wall Street LID.

- Alice Ellis Gaut, 10947 SW Chateau Lane, Tigard, OR presented testimony speaking on behalf of herself and Take Back Tigard regarding the urgency of going forward with changes to the Planned Development code, the Comprehensive Plan, and to fully utilize all the resources for making these changes by using the legal staff, technical and management staff and the “eager, committed citizens of Tigard.” A copy of Ms. Gaut’s written testimony is on file with the City Recorder (Agenda Item No. 4, Exhibit 3). Ms. Gaut’s testimony spoke to her observations that “...new development is proceeding at an alarming rate...” She requested that the Council “...direct your staff and legal team to actively seek ways to stop new development for the time necessary to revise and amend our laws so they are not in conflict with our community vision.” Mayor Dirksen commented that he shared Ms. Gaut’s sense of urgency, especially with the need to review the Planned Development section of the Community Development Code.
- Ron Ellis Gaut, 10947 SW Chateau Lane, Tigard, OR, noted he had visited with someone from the “railroad” who indicated that there was “no way” the Wall Street Extension “would happen.” Mr. Gaut referred to another “missed opportunity” when trees were recently removed from a site at 7735 SW Durham Road for development. He noted he reviewed the Final Order issued with regard to requirements for this particular development, and no tree mitigation requirements were listed. He said the Code requires that trees must be retained “to the extent possible” and urged the City to take a more proactive leadership role to preserve trees.
- Holly Shumway, 14535 SW Woodhue Street, Tigard, OR read from a recent newsletter for CPO4B regarding the CPO4B’s mission. She requested that members of the CPO4B be included in the Bull Mountain Annexation Plan Subcommittees, which will soon be formed.

5. **CONSENT AGENDA:** Motion by Councilor Wilson, seconded by Councilor Sherwood, to adopt the Consent Agenda as follows:

- 5.1 Approve Council Minutes for November 18, 25, December 2 and 16, 2003
- 5.2 Receive and File:
 - a. Council Calendar
 - b. Tentative Agenda
- 5.3 Local Contract Review Board
 - a. Award Contract for an On-Line Lien Search System to Net Assets
 - b. Approve Purchase of Three Ford Ranger Pick-Up Trucks Utilizing the State of Oregon Contract for Trucks
- 5.4 Amend the Master Fees and Charges Schedule (Resolution No. 03-25, Exhibit A) to Increase Lien Search Fees – Resolution No. 04-02
- 5.5 Approve and Intergovernmental Agreement with the State of Oregon Department of Transportation (ODOT) for Commercial Vehicle, Driver and Cargo Inspection and Authorize the Chief of Police to Sign the Agreement

- 5.6 Approve Budget Amendment No. 13 to the FY 2003-04 Adopted Budget to Increase Appropriations for Funding of Vehicle Replacements in the Building Division – Resolution No. 04-03
- 5.7 Approve Budget Amendment No. 14 to the FY 2003-04 Adopted Budget to Adjust Appropriations for Funding of an On-Line Lien Search System – Resolution No. 04-04
- 5.8 Approve Budget Amendment No. 15 to the FY 2003-04 Adopted Budget to Carry Over Funds for Police Vehicles Replacements – Resolution No. 04-05
- 5.9 Approve Budget Amendment No. 16 to the FY 2003-04 Adopted Budget to Create a Right-of-Way Program Coordinator Position in the Engineering Department – Resolution No. 04-06
- 5.10 Approve Budget Amendment No. 17 to the FY 2003-04 Adopted Budget to Increase Appropriations for Funding Additional Inspection Costs Associated with Increased Building Activity – Resolution No. 04-07

The motion was approved by a unanimous vote of Council present:

Mayor Dirksen	-	Yes
Councilor Moore	-	Yes
Councilor Sherwood	-	Yes
Councilor Wilson	-	Yes

6. TIGARD BEYOND TOMORROW VISION 2003 ANNUAL REPORT

- Goal Target Area Representatives presented a summary of progress on the Vision Goals. A copy of the 2003 Vision Report and a copy of the PowerPoint slide presentation used during this agenda item are on file with the City Recorder.

7. LOCAL CONTRACT REVIEW BOARD (LCRB) PUBLIC HEARING – CONSIDERATION OF GRANTING AN EXEMPTION FROM COMPETITIVE BIDDING UNDER LCRB ADMINISTRATIVE RULE 80.015 FOR THE ACQUISITION OF SHELVING AND RELATED FURNITURE AND FIXTURES FOR THE NEW LIBRARY

- a. LCRB Chair Dirksen opened the public hearing
- b. Tigard Buyer Joe Barrett presented the staff report explaining the request for the LCRB to grant an exemption from competitive bidding under LCRB Administrative Rule 80.015 to allow staff to purchase shelving for the new Library under a contract let by Oregon State University. This action would provide critical time and cost savings. A copy of the staff report is on file with the City Recorder.
- c. No public testimony.

- d. The Board discussed with staff the cost savings expected if this agenda item is approved. Also discussed was the recommended special type of shelving required for the new library.
- e. LCRB Chair Dirksen closed the public hearing.
- f. Motion by LCRB member Moore, seconded by LCRB member Sherwood, was made as follows:

Motion to approve Local Contract Review Board Resolution No. 04-01 granting an exemption from competitive bidding under Administrative Rule (AR) 80.015 for the acquisition of shelving and related furniture & fixtures to be used at the new Tigard Library and approve the findings that:

The Board's granting of this exemption from the competitive bidding requirements of AR 30.005 will not encourage favoritism towards any particular vendor due to the fact that the shelving is only carried by one local company. This local company works through the existing contract under which the City will be eligible to purchase through by means of this exemption.

Also, under this exemption, the City will be eligible for the pricing structure negotiated under the contract. The savings could amount up to \$120,000.

LOCAL CONTRACT REVIEW BOARD RESOLUTION NO. 04-01 – A RESOLUTION GRANTING AN EXEMPTION FROM COMPETITIVE BIDDING UNDER LOCAL CONTRACT REVIEW BOARD ADMINISTRATIVE RULE 80.105 FOR THE ACQUISITION OF SHELVING AND RELATED FURNITURE AND FIXTURES FOR THE NEW LIBRARY.

The motion and resolution were approved by a unanimous vote of LCRB members present:

Board Chair Dirksen	-	Yes
Board Member Moore	-	Yes
Board Member Sherwood	-	Yes
Board Member Wilson	-	Yes

Business meeting recessed at 9:56

STUDY SESSION CONTINUED (10:03 p.m.):

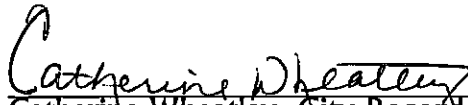
> ADMINISTRATIVE ITEMS

City Manager Monahan reviewed the following with Council:

- Third Annual New Partners for Smart Growth, January 22-24: Staff will be attending as will Mike Marr from the Downtown Task force.
- Council received a January 12, 2004, memo from Jim Hendryx regarding "Development Potential – North Dakota (1S135BC-01200)" referred to sometimes as the "Black Bull" development. There was brief discussion about a memo also prepared on this matter by City Engineer Gus Duenas, which will be forwarded to Mr. John Frewing as a follow-up to an inquiry received from Mr. Frewing.
- The agenda and a memo from Gus Duenas and Jim Hendryx regarding Council' Transportation Strategic Planning Workshop scheduled for January 20, 2004. Maps and a reference copy of resources listed in the memo will be available at the workshop meeting.
- Council directed that the Planning Commission's standing meeting to meet with the Council at the February workshop would stay on schedule (February 17, 2004).
- Council agreed that City Attorney Ramis will review the draft statement prepared by City Recorder Wheatley with regard to the opening statement for quasi-judicial land use hearings. The City Attorney will read this statement as well as the required statement describing the purpose and proposal before the Council at each of the hearings.
- The composition of the Planned Development Review Committee was decided upon as follows:
 - ❖ Nine members; Council liaison, two Planning Commissioners, one person representing an environmental viewpoint; one person representing a builder/civil engineering viewpoint; and five persons at large residing in the City or the City's area of interest. Applicants for this committee will be asked to fill out a Citizen's Interest Application and respond to questions similar to those that Council candidates must answer.
 - ❖ The members will be selected through the Mayor's appointment committee process.
- Council determined the process for considering candidates who want to be selected to serve on the City Council (see Page 4 for a summary of this discussion.)
- Council reviewed their upcoming meeting calendar. City Manager Monahan noted that staff had been advised that the Urban Renewal Workshop scheduled for January 21 had been postponed. (City

Recorder's Note: Staff received information after this meeting that the Urban Renewal Meeting would be held January 21 as originally scheduled.)

- 8. COUNCIL LIAISON REPORTS: None
- 9. NON AGENDA ITEMS: None
- 10. EXECUTIVE SESSION: Not held.
- 11. ADJOURNMENT: 10:36 p.m.


Catherine Wheatley, City Recorder

Attest:


Mayor, City of Tigard

Date: 2-10-04

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